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ABSTRACT

Brenham, Texas, in 1866, was a newspaperman's town. In addition to "The Weekly Southern Banner," Brenham citizens read the "Lone Star," the "Christian Advocate," and the "Brenham Enquirer." The events of 1866 bring into sharp focus the struggle between the Fourth Estate and the federal government. This struggle, fueled by verbal battles and physical violence, centered on the sacred right to freedom of the press. The combatants, journalist Daniel Leonidas McGary and a newly-formed governmental agency, the Freedmen's Bureau, engaged in a classic, period confrontation between the federal government and the local press in a South Central Texas town struggling to survive the manifold problems of Reconstruction. (Fifty-two notes are included.) (Author/RS)

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The Burning of the Banner:

The Press and the Government in Conflict

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The Burning of the Banner:
The Press and the Government in Conflict

ABSTRACT

Brenham, Texas, in 1866, was a newspaperman's town. In addition to ***The Weekly Southern Banner***, Brenham citizens read the ***Lone Star***, the ***Christian Advocate***, and the ***Brenham Enquirer***. The events outlined in this manuscript bring into sharp focus the struggle between the Fourth Estate and the federal government. This struggle, fueled by verbal battles and physical violence, centered on the sacred right of the press. The combatants, journalist Daniel Leonidas McGary and a newly-formed governmental agency, the Freedmen's Bureau, engaged in a classic, period confrontation between the federal government and the local press in a South Central Texas town struggling to survive the manifold problems of Reconstruction.

The Burning of the Banner:
The Press and the Government In Conflict

Events within the town of Brenham, county seat of Washington County, Texas, during the days immediately succeeding the Civil War pitted a representative of the fourth estate against an element of the federal government. On one side stood Daniel Leonidas McGary, a young journalist armed with a savage pen, and on the other stood the Freedmen's Bureau, a new and fledgling governmental creation sent into the hostile territory inhabited by the vanquished remnants of the Confederacy. The issue over which they drew their battle lines was the sacred right to freedom of the press. When all of the theatrics were finished, journalism, personified in young McGary, had triumphed, but the heart of Brenham was a burned and gutted shadow of its former self. It was a classic confrontation.

Dan McGary, born in Madisonville, Kentucky in 1834,[1] came from sturdy pioneer stock. His grandfather, Hugh, came into Kentucky with Daniel Boone and achieved fame as an Indian fighter.[2] Orphaned at an early age, McGary went to St. Louis to live with relatives, clerked in a dry goods store by day, and studied law by night.[3] Upon completion of his studies, he was appointed as the first United States district attorney for the southern district of the Nebraska territory on May 10, 1855. He also appears to have

ventured into journalism at that time, associating himself with the publication of the ***Nebraska City News.***[4]

The Civil War found McGary in Uvalde, Texas, practicing law and fighting off Indians from time to time.[5] He shut down his practice, moved his wife and children to Independence, Missouri, and enlisted in Company G, 15th Regiment Texas Cavalry.[6] After the war, McGary settled in the town of Brenham.

Post-Civil War Brenham, like most other communities in the South, was trying to somehow come to terms with the harsh realities of the Confederate defeat. Heavily populated by Germans, the town was chosen as county seat of Washington County in 1844, the same year that Methodism was officially organized there. The town was incorporated in 1858, although the city government was completely abandoned during the war years, to be reestablished in 1866.

Brenham nurtured many journalistic ventures during this period. The first newspaper, the ***Lone Star***, was established there in 1845. It was followed by the ***Christian Advocate*** in 1846 and the ***Brenham Enquirer*** in 1853.[7]

Two significant events took place in Brenham immediately after the war's conclusion. The United States government, anticipating the problems

that the newly-freed slaves would have, established on March 3, 1865, the Bureau of Refugees, Freedmen, and Abandoned Lands. This agency was commonly referred to as the Freedmen's Bureau.[8] In September of that year, General E. M. Gregory was appointed as assistant commissioner for Texas. Gregory, stationed in Galveston, set up sub-assistant commissioners in sixteen cities,[9] including Brenham, where he appointed Capt. S. A. Craig as his sub-assistant.[10] The government also established Brenham as a military post in July, 1865.[11] These combined actions placed Yankee soldiers and a federal agency, organized to protect the rights of the freed slaves, in the middle of a clearly un-Reconstructed population.

Into such an atmosphere was thrust a new journalistic publication, ***The Weekly Southern Banner***, owned by Col. John G. Rankin, a former Confederate soldier, and edited by Dan McGary. The famous Stars and Bars flag of the defeated Confederate States of America was proudly displayed in ***The Banner***.[12] The first issue, published on January 3, 1866, promised that the newspaper would be a "red-hot democratic journal."[13] Rankin's father, D. H. Rankin, published the ***Brenham Enquirer*** and would, along with McGary, help found the Texas Press Association in 1869.[14]

The most immediate problem confronting both the former slave owners and the Freedmen's Bureau was a method for employing the

ex-slaves. Most cotton planters had entered into contracts with the blacks, tying them to particular plantations until Christmas Day, 1866.[15] Some ex-slaves in Washington County were apparently arrested for violation of the contractual agreements, which served to keep the others in line.[16]

No real resolution of the problem came about until May, 1866, when Brevet Maj. Gen. J. B. Kiddoo, who was appointed to succeed Gregory as the new assistant commissioner, issued a set of orders dealing with the contracts. Kiddoo's orders set heavy fines on both planters and "laborers" for the breaking of contracts.[17]

Kiddoo was perceived by most Texans of the day as a fair, practical administrator who sought even-handed justice.[18] When heavy rains throughout June and July, 1866, jeopardized the cotton crops, Kiddoo ordered his sub-assistant commissioners to impress upon the freedmen the importance of saving the crops. He also began efforts to return all judicial functions to the civil courts and to get away from the practice of allowing the bureau to sit in judgment upon every case involving freedmen.[19]

While this confusion over the execution of justice was at the core of what would eventually lead to conflict in Brenham, a contributing factor to the developing tensions was the widespread fear of racial violence. The

newspapers no doubt contributed greatly to the worrisome conditions by dutifully reporting almost any act of violence committed against a white person by an ex-slave. ***The Texas Countryman***, published in nearby Bellville, re-printed an article in its June 22, 1866, edition describing the attempted rape of a young girl by a black man in Davies County, Kentucky.[20] Racial tensions were reported in Huntsville in the widely-read ***Galveston Weekly News*** during April.[21] Shock waves reverberated throughout the South in July when a terrific riot in New Orleans injured and killed both blacks and whites.[22] Several inches of column space in almost every newspaper of the day were devoted to the problems arising out of the emancipation of the slaves.

Of more immediate concern to residents of Washington County were rumors of racial violence in their own neighborhood. McGary gave his readers alarming news in a July newspaper:

> Dr. Armistead informs us that on Monday last he went out on the plantation of his relative, Mrs. Armistead, six miles from Brenham, to see how the negroes were getting along with their crop. Instead of finding them at work in the cotton, as he expected, they had converted their hoes into muskets, and were going through the manoeuvers of a regular drill; they broke up as soon as they observed the Doctor approaching, but when questioned about it they acknowledged that they drilled every day, when no white man was about, and said that other negroes were doing the same thing.[23]

The agents of the Freedmen's Bureau were no less worried over their own safety, planted as they were in an alien and hostile environment. On April 18, 1866, several armed men walked into the office of Capt. S. A. Delano at Marlin Springs and robbed him of about $5000 in gold and silver, some loose bills, and a silver watch.[24] Although history books report it as an isolated incident, the sub-assistant commissioners quite obviously could not take such a dispassionate view of the event. It represented a clear and present threat to each of them. Rumors also ran rampant among the freedmen during this period that their former masters were organizing to kill any of them that left their employ.[25]

The earliest hint of trouble between McGary and Craig came in June following the arrest of two white men by the military. A writ of Habeas Corpus issued by the civil court judge was disregarded by Craig. McGary was not discreet in his judgment: "Now Messrs. Military, just listen to our prediction. By your action in this matter, you have violated the law of the land, and for that offence, you will in due time, be **indicted, arraigned, tried, convicted, and punished**."[26]

Other editorials followed, which only served to anger Craig further. One popular story contends that McGary regularly wore his old Confederate uniform downtown, an open act of defiance to the military and the bureau.

Federal soldiers each day cut off the buttons. Each day McGary picked them up and had his wife sew them back.[27] William P. Hamblen, later to become a prominent Houston jurist, said McGary "boldly arraigned" the Federal authorities using nothing more than a "strident voice and trenchant pen."[28]

The point of no return in the conflict came after a July 4 march through downtown Brenham by many of the former slaves. The marchers sang at least two songs that immediately raised the ire of the townspeople: "Old John Brown" and "Hang Jeff Davis From a Sour Apple Tree." McGary reported to his readers that the blacks had been coached by the teachers of the freedmen's school. Craig allegedly fired off a letter to the editor in which he suggested he was the final authority over what should be printed in the newspaper. McGary reportedly printed the letter from Craig and added several comments about the sovereign rights of a free press.[29]

Shortly thereafter, McGary published another editorial that contended Craig was prodding blacks into disputes with their former masters only as a means of getting the latter into his court where a heavy fine could be imposed.[30] By late August the situation had completely deteriorated to the point that Craig ordered Capt. G. W. Smith, commander of the military post at Brenham, to arrest the editor. McGary described the events in another editorial, entitled "Freedom of the Press," written shortly before

his formal imprisonment:

> As much interest for our welfare is manifested in this community, we take pleasure in advising our readers that up to this writing, 1 o'clock, AM, Wednesday morning, August 15th, in the year of Grace, 1866, we still live.
>
> Capt. Craig, Sub-Commissioner of the "bureau of Refugees, Freedmen, & Abandoned Lands" has got it into his head that we are not sufficiently respectful toward his bureau and its employees. In order to remedy this evil, and to make us more respectful, he summoned us before him, and in the exercise of his fantastic authority, fined us the sum of two hundred dollars. This fine we declined paying, and the Captain is now considering with himself whether he will hang us, or send us only to jail, or the Dry Tortugas. If we are to be hung the interesting ceremony will probably transpire about the 10th hour of the first Friday in September. The friends of the Banner are respectfully invited to attend.
>
> Capt. Craig is a profound joker and his best joke is when he calls his Bureau a "court." The idea of a court without a judge, a court which arrests parties without affidavit, or warrant, violates the constitutional guaranties of freedom of the press, which denies the rights of Habeas Corpus, and which adjudges a party guilty, and inflicts the punishment without allowing a trial---Is not such an idea a sublime joke?
>
> The jurisdiction of Craig's Bureau extends, as we understand it, only to Refugees, Freedmen, and Abandoned Lands---under which of those heads we wonder do we come?---we are not a Refugee---we are not a Freedmen---perhaps we may be Abandoned Lands.[31]

McGary was subsequently arrested and confined in jail for a period of 19 days, a two-week ordeal that quickly established the editor as a popular figure and Craig as the villain. Newspapers across the state immediately

sounded off notes of protest. The ***Galveston Weekly News*** wrote: "It is, to say the least, very annoying, to have officers all over the State snatching up and fining people, under no other authority than the promptings of their own feelings."[32] The ***Houston Journal*** announced that the imprisoned McGary had "the whole strength and sympathy of the people."[33] ***The Texas Countryman*** concluded that Craig had managed to completely destroy the bureau's influence in Brenham.[34]

Governor J. W. Throckmorton attempted to resolve the crisis by appealing directly to President Andrew Johnson in Washington. His August 20 letter to the chief executive was answered by Secretary of War Edwin M. Stanton on August 23. "A call has been made for a report of the facts by the proper officers, and when this is received, the President's answer to your inquiry will be transmitted to you."[35] Stanton, in turn, directed the bureau's top commissioner, Maj. Gen. Oliver O. Howard, to investigate the matter. Howard directed General Kiddoo to meet with the governor to work out a resolution of the impasse.[36]

A reporter for the ***Galveston Weekly News*** visited McGary in his Brenham cell on September 3: "We found Mr. McGary occupied in his narrow cell in reading, and was in better spirits than we had expected to find him, owing no doubt to the information he had received that he would probably

be released that day, and in this we are glad to learn that he was not disappointed."[37] Kiddoo later that day ordered the unconditional release of McGary.[38]

The editor's release was followed four days later by an event generally referred to as "the burning of Brenham."[39] Although the accounts of the disastrous fire vary, depending upon the political sentiments of the one doing the telling, the indisputable fact is that it resulted in the destruction of "the block [of buildings] at the West side of town situated between the courthouse and Crumpler's Hotel."[40]

The chain of events began on the evening of September 7, at which time two parties were being held at different locations within the city. The blacks held one dance, while the second was carried out at Duke's Dancing Saloon with a delegation of the white residents in attendance. The ***Brenham Enquirer*** described the incident that followed:

> Some Federal soldiers went to the negro ball...forced themselves in, danced about the room, passed a bottle around and finally broke up the ball. They then pursued some negroes to Duke's Dancing Saloon, having beaten and choked several of them. They had some fun with a drunken Indian on the street--finally advanced to the door of the saloon making a great noise and pursuing a negro up the steps. They were remonstrated with--drew their knives, whereupon two of the soldiers were knocked down and and one of them wounded."[41]

Lt. Col. E. C. Mason, sent in to make a report at the request of the governor, held a hearing in Brenham approximately one week later. After hearing considerable testimony, Mason issued a report that differed significantly from the ***Enquirer*** version. Declared Mason: "It appears that a small party of soldiers, slightly intoxicated, visited a negro ball. While they were there, the ball broke up."[42] The Mason account clearly gives the wayward soldiers the benefit of a doubt, saying that one witness contended the negro ball broke up because of the riotous conduct of the soldiers.

"Other witnesses," reported Mason, "testified that they heard the managers say that the ball would not pay expenses and must stop, as there were not enough persons present."[43] This contention is interesting, particularly since the arrival of the soldiers would have greatly increased the size of the crowd.

The Mason report also concluded that the soldiers wounded in the melee outside Duke's Dancing Hall were unarmed. One of the soldiers was carrying a bayonet; but none of the men, according to Mason, were bearing firearms. He also ruled that the incident involving a drunken Indian was actually a difficulty between the Indian and a negro, "The assault upon the soldiers was clearly proven, and, as appears from the testimony, entirely unprovoked," he wrote.[44]

The ***Enquirer's*** account of the incident stated, "The wounded man was then taken to camp. Capt. Smith, of the 17th infantry, commanding at this post, came to town." Smith was accompanied by a guard of approximately eight to ten soldiers, all of them intent upon finding a Mr. Wyatt, owner and proprietor of a grocery store and, evidently, the chief suspect in the shootings of the two soldiers. The men failed to find Wyatt but did arrest Oscar Compton, owner of a general store in the same vicinity, and sent him under guard to the U.S. Army camp. By then it was around midnight.

The events that took place next were reported by the ***Enquirer***:

> Wyatt's grocery was then broken open, the furniture, billiard tables and a portion of the liquors destroyed; the rest of the drinkables were taken to camp. Capt. Smith admits that this was done by him. Shortly after this a party of six or eight soldiers returned to Compton's store, fired a shot or two at Mr. [Henry] Curry, who escaped up the steps leading to the [newspaper] offices above, and several shots into the Banner office immediately over Compton's store. They then broke into the store and pillaged it. About half an hour or three-quarters later, the same or another party returned, entered the store, made a good deal of noise breaking boxes, and fired the house, the last man leaving remarking, 'All hell can't save it.' Capt. Smith was seen sitting on his horse on the opposite side of the square whilst the last party were at work. He rode round in front of the building and asked if it was well done, and was told that it was.[45]

The Mason report on the affair again absolved the soldiers of any role

in the burning of Compton's store and the ***The Banner***. His report stated that a number of witnesses testified that the parties "seen to break into and fire the store of Mr. Compton...though they were from sixty (60) to eighty (80) yards distant...I believe that the men engaged in that outrage were dressed in the uniform of the U.S. Army."[46] Mason concluded that "whether these men were soldiers or citizens I am unable to say."[46] He categorically absolved Smith from any role in the affair, contending that several soldiers and officers testified that the commanding officer "had been in camp during the entire episode."[47] The Mason report did not determine if any soldiers were guilty of the burning of the store and the newspaper office.

The fire, which began shortly before 3 a.m. on September 8, quickly spread from Compton's store to the other buildings within the block, consuming the whole group in short order. The ***Enquirer*** noted that "by daylight the entire block, containing three drygoods stores, one drug store, two groceries, one saddler shop, one warehouse, and one printing office, were consumned. The loss will probably reach $75,000."[48]

The newspaper added: "A significant fact is, that not a soldier was present at the fire; nor did Captain Smith come up either to assist or look on, though it must have been light enough in his camp to pick up a pin."[49]

A few events out of all of the drama, however, emerge as especially significant. The terrible fire, which at times threatened to leap across the street and spread to other blocks, was battled bravely by both black and white citizens. It is quite conceivable that the concerted efforts of both races actually saved the rest of the town. Secondly, as the citizens gathered in dismay and shock the next morning to view the devastation, a number of them advocated exterminating the whole military garrison. "More prudent counsels," reported the ***Enquirer***, "speedily prevailed."[50] Smith, all the same, had taken steps to fortify his position, dug rifle pits, and was contemplating the hasty construction of a blockhouse.

Without a newspaper in which to print his final benediction on the whole affair, McGary was allowed space upon the pages of the ***Enquirer***:

> Whether we shall start the Banner again is uncertain. We have not the wherewith to do it at present, if we had the inclination. If we never again appear before the public as journalists, we shall, at least, carry with us, in our retirement, the consciousness that, while condicting the Southern Banner, we labored honestly, faithfully and in defiance of all attempts at intimidation, though surrounded constantly by a military garrison, to uphold the dignity and freedom of the press.[51]

The Mason report, though lamblasted by Brenham residents and most newspapers in the state, clearly absolved Capt. G. W. Smith of any criminal

complicity in the affair and failed to determine which soldiers, if any, were guilty of the burning of the town. Craig was promptly removed from his post and transferred elsewhere.

McGary, after a period of time, had his newspaper back in operation. His pen, it seems, was as pointed as ever. Writing in a March, 1867, issue of ***The Banner***, McGary had the following comments about his nemesis:

> CAPT. CRAIG: Persons frequently ask us what has become of this individual. They seem to take it for granted that we are interested in him, and they are right. Craig owes us $50,000, and we would like to have him prosper, and make money, and get rich so that he may be able to pay us. We have judgment for our claims regularly entered up in a court of competent jurisdiction, and if Craig ever gets to be worth anything, we shall be after him with a process. He cannot dodge us. We shall keep him advertised, and he has a wart on the upper lid of his left eye by which he can always be identified.[52]

The pen of Daniel Leonidas McGary would remain just as pointed and as savage throughout the remaining three decades of his life as it had been during that brief exhilarating season in Brenham. And the American Press, strengthened by hundreds of tiny victories such as this, would continue to write the news as it saw fit across the land of the free and home of the brave.

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[3] Agnes Terry (granddaughter of Daniel L. McGary), Oral History Collection, Wallisville Heritage Park, interview dated July 11, 1980.

[4] Morton, p. 6.

[5] ***Ibid.***

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[7] Walter Prescott Webb (editor), ***The Handbook of Texas, Vol. I***, (Austin: The Texas State Historical Association, 1952), p. 213.

[8] Claude Elliott, "The Freedmen's Bureau in Texas," ***The Southwestern Historical Quarterly***, 56:1 (July, 1952).

[9] ***Ibid.***

[10] ***Galveston Weekly News,*** August 22, 1866.

[11] Webb, p. 213.

[12] Morton, p. 6.

[13] Maryann Shaver, "Brenham Paper was Founded as Weapon," ***The Houston Post***, September 1, 1963, Section 1, p. 14.

[14] ***Ibid.***

[15] ***Galveston Weekly News***, November 1, 1865. (This article is based upon an interview with the editor of the ***Brenham Enquirer***, D.H. Rankin, father of ***The Banner's*** John G. Rankin; the elder Rankin is quoted as saying that the blacks "who have attempted to break their contracts have been arrested and brought back.")

[16] ***Ibid***.

[17] ***The Texas Countryman***, June 1, 1866, pp. 11-12.

[18] ***Galveston Weekly News***, July 18, 1866.

[19] Elliott, p. 12.

[20] ***The Texas Countryman***, June 22, 1866.

[21] ***Galveston Weekly News***, April 11, 1866.

[22] ***Galveston Weekly News***, July 31, 1866.

[23] ***Galveston Weekly News***, July 18, 1866.

[24] ***The Texas Countryman***, May 4, 1866.

[25] Elliott, p. 4.

[26] ***Galveston Weekly News***, June 27, 1866.

[27] Terry, ***ibid***.

[28] ***The Houston Post***, April 23, 1902.

[29] ***Galveston Weekly News***, August 29, 1866.

[30] Shaver, ***ibid***.

[31] ***The Texas Countryman***, August 24, 1866.

[32] ***Galveston Weekly News***, August 22, 1866.

[33] ***The Texas Countryman***, September 7, 1866.

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[35] ***Galveston Weekly News***, September 5, 1866.

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